

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG No. 512-CR

Petition of FairPoint Communications Solutions)
Corp. to amend its Certificate of Public Good to)
reflect a name change)

Order entered: 4/13/2011

**ORDER AMENDING CERTIFICATE OF PUBLIC GOOD
TO REFLECT NAME CHANGE**

I. INTRODUCTION

On September 6, 2000, FairPoint Communications Solutions Corp. (the "Company" or "Petitioner"), received an Amended Certificate of Public Good (CPG No. 512-CR), pursuant to 30 V.S.A. § 231, to provide telecommunications services throughout Vermont.¹

On March 21, 2011, the Company filed a petition ("Petition") with the Vermont Public Service Board ("Board") requesting that its CPG be further amended to reflect a name change to FairPoint Carrier Services, Inc. As part of its Petition, the Company also filed a Certificate of Good Standing from the Vermont Secretary of State for FairPoint Carrier Services, Inc.

On April 6, 2011, the Vermont Department of Public Service ("Department") filed a letter with the Board recommending that the Board approve the Company's request without the need for hearings or investigation.

The Board, having reviewed the Company's Petition and the other materials it filed, agrees that an amended CPG should be issued. As a result, newspaper publication is not required prior to issuance of the amended CPG. 30 V.S.A. §§ 102(a), 231(a).

Based upon the Company's Petition and accompanying documents, the Board makes the following findings.

1. The Certificate of Public Good was initially issued to FairPoint Communications Corp. on December 9, 1999, and was subsequently amended on September 6, 2000, to reflect a name change to FairPoint Communications Solutions Corp.

II. FINDINGS

1. The Company was issued Amended CPG No. 512-CR on September 6, 2000, to provide telecommunications services in Vermont. *See* Amended CPG No. 512-CR.

2. As of March 21, 2011, the Company had received and filed with the Board all documents necessary to effect a name change to FairPoint Carrier Services, Inc. Petition and Attachments.

III. DISCUSSION

30 V.S.A. § 231(a) provides that the Board may amend or revoke any CPG for good cause, after an opportunity for hearing. Since there is no controversy surrounding the Company's name change, it follows that good cause exists to amend the Company's CPG to reflect the new name of the holder of the certificate. As for whether a hearing is necessary, we conclude that it is not. First, there is no genuine issue of material fact as to whether the Company's CPG should be amended and, consequently, under V.R.C.P. 56, a hearing is unnecessary. Second, the Petitioner has asked that the CPG be amended, and the DPS has recommended that the Petition be approved without hearing. Finally, 30 V.S.A. § 231(a) requires only the opportunity for a hearing, thus acknowledging that a hearing is not always necessary prior to amendment.

IV. CONCLUSIONS

1. The Amended CPG held by FairPoint Communications Solutions Corp. should be further amended to reflect the new name of the certificate-holder: FairPoint Carrier Services, Inc.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The Amended Certificate of Public Good that was issued to FairPoint Communications Solutions Corp. on September 6, 2000, shall be further amended to reflect the new name of the holder of the certificate: FairPoint Carrier Services, Inc.

DATED at Montpelier, Vermont, this 13th day of April, 2011.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: APRIL 13, 2011

ATTEST: s/Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.